

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2008-0510-MWD-E **TCEQ ID:** RN101607851 **CASE NO.:** 35637  
**RESPONDENT NAME:** Apple Springs Independent School District

Page 1 of 2

|   |   |   |
|---|---|---|
| <b>ORDER TYPE:</b>  |   |   |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER   | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING<br>SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER   | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL<br>ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER  | <input type="checkbox"/> EMERGENCY ORDER                    |   |
| <b>CASE TYPE:</b>   |   |   |
| <input type="checkbox"/> AIR  | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS<br>WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY  | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                     |
| <input checked="" type="checkbox"/> WATER QUALITY   | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION<br>CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE  | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                       |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Apple Springs ISD, located approximately 1,000 feet northwest of the intersection of Farm-to-Market Road 357 and Farm-to-Market Road 2501 and north of State Highway 94, Trinity County</p> <p><b>TYPE OF OPERATION:</b> Municipal wastewater treatment system</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/>    <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768<br/>    <b>TCEQ Enforcement Coordinator:</b> Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, 512-239-2554; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171<br/>    <b>Respondent:</b> Mr. Gregg Spivey, Superintendent, Apple Springs Independent School District, P.O. Box 125, Apple Springs, Texas 75926<br/>    <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |   |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS<br>TAKEN/REQUIRED  |
|---|---|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 3, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 14, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with the permitted effluent limitation of 4.0 milligrams per liter ("mg/L") for minimum dissolved oxygen ("DO") Specifically, the Respondent self-reported minimum DO values of 2.9 mg/L during March 2007 and 3.0 mg/L during November 2007 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086001, Effluent Limitations and Monitoring Requirements No. 6].</p> <p>2) Failure to submit a groundwater monitoring plan to the TCEQ for approval [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 7].</p> | <p><b>Total Assessed:</b> \$4,500</p> <p><b>Total Deferred:</b> \$900<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,600</p> <p><b>Total Paid to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit a groundwater monitoring plan;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;</p> <p>c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with permitted effluent limitations of TPDES Permit No. WQ0014086001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and in accordance with Ordering Provision No. 2.d below; and</p> <p>d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a and 2.c.</p> |

Additional ID No(s): MWD 14086

Attachment A  
Docket Number: 2008-0510-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Apple Springs Independent School District  
**Payable Penalty Amount:** Three Thousand Six Hundred Dollars (\$3,600)  
**SEP Amount:** Three Thousand Six Hundred Dollars (\$3,600)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Angelina Beautiful Clean  
**Location of SEP:** Angelina County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to collect and properly dispose of illegally dumped waste. Eligible sites will be limited to areas where a responsible party cannot be identified and where there is no pre-existing obligation to clean up the site by the owner.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of waste which will help prevent human health concerns associated with illegally dumped waste.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Valena Spradley  
Chairman of the Board  
Angelina Beautiful Clean  
1615 South Chestnut  
Lufkin, Texas 75901

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5.     Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6.     Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7.     Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

TCEQ

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 17-Mar-2008 | <b>Screening</b> | 27-Mar-2008 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 2-Apr-2008  |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |   |                           |       |
|-----------------------------|---|---------------------------|-------|
| <b>Respondent</b>           | Apple Springs Independent School District |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN101607851                               |                           |       |
| <b>Facility/Site Region</b> | 10-Beaumont                               | <b>Major/Minor Source</b> | Minor |

## CASE INFORMATION

|                          |                      |                          |                    |
|--------------------------|----------------------|--------------------------|--------------------|
| <b>Enf./Case ID No.</b>  | 35637                | <b>No. of Violations</b> | 2                  |
| <b>Docket No.</b>        | 2008-0510-MWD-E      | <b>Order Type</b>        | 1660               |
| <b>Media Program(s)</b>  | Water Quality        | <b>Enf. Coordinator</b>  | Lynley Doyen       |
| <b>Multi-Media</b>       |                      | <b>EC's Team</b>         | Enforcement Team 1 |
| <b>Admin. Penalty \$</b> | <b>Limit Minimum</b> | \$0                      | <b>Maximum</b>     |
|                          |                      |                          | \$10,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$3,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 50% Enhancement **Subtotals 2, 3, & 7** \$1,500

**Notes** The penalty is enhanced due to nine monthly self-reported effluent violations and one NOV with violations same or similar to those cited in this action.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDRP/Settlement Offer

|               |   |               |
|---------------|---|---------------|
| Extraordinary |   |               |
| Ordinary      |   |               |
| N/A           | X | (mark with x) |

**Notes** The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$244 **Subtotal 6** \$0  
**Approx. Cost of Compliance** \$2,000 **0% Enhancement\***  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$4,500

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$4,500

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$4,500

**DEFERRAL** 20% Reduction **Adjustment** -\$900

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$3,600

Screening Date 27-Mar-2008

Docket No. 2008-0510-MWD-E

PCW

Respondent Apple Springs Independent School District

Policy Revision 2 (September 2002)

Case ID No. 35637

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101607851

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 10                | 50%     |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The penalty is enhanced due to nine monthly self-reported effluent violations and one NOV with violations same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

|   |  |   |  |            |          |
|---|--|---|--|------------|----------|
| <b>Screening Date</b> 27-Mar-2008                           |  | <b>Docket No.</b> 2008-0510-MWD-E   |  | <b>PCW</b> |          |
| <b>Respondent</b> Apple Springs Independent School District |  | <small>Policy Revision 2 (September 2002)</small>   |  |            |          |
| <b>Case ID No.</b> 35637                                    |  | <small>PCW Revision February 29, 2008</small>   |  |            |          |
| <b>Reg. Ent. Reference No.</b> RN101607851                  |  |   |  |            |          |
| <b>Media [Statute]</b> Water Quality                        |  |   |  |            |          |
| <b>Enf. Coordinator</b> Lynley Doyen                        |  |   |  |            |          |
| <b>Violation Number</b> 1                                   |  |   |  |            |          |
| <b>Rule Cite(s)</b>   |  | Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086001, Effluent Limitations and Monitoring Requirements No. 6   |  |            |          |
| <b>Violation Description</b>                                |  | Failed to comply with the permitted effluent limitation of 4.0 milligrams per liter ("mg/L") for minimum dissolved oxygen ("DO"). Specifically, the Respondent self-reported minimum DO values of 2.9 mg/L during March 2007 and 3.0 mg/L during November 2007. |  |            |          |
| <b>Base Penalty</b>   |  |   |  |            | \$10,000 |

  

**>> Environmental, Property and Human Health Matrix**

|    |                |                      |                      |                                     |   |
|----|----------------|----------------------|----------------------|-------------------------------------|---|
| OR | <b>Harm</b>    |                      |                      |                                     |   |
|    | <b>Release</b> | Major                | Moderate             | Minor                               |   |
|    | Actual         | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |   |
|    | Potential      | <input type="text"/> | <input type="text"/> | <input type="text"/>                | <b>Percent</b> <input type="text" value="10%"/> |

  

**>> Programmatic Matrix**

|                      |                      |                      |       |  |
|----------------------|----------------------|----------------------|-------|--|
| <b>Falsification</b> |                      |                      |       |  |
| Major                | Moderate             | Minor                |       |  |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |       |  |
|                      | Major                | Moderate             | Minor | <b>Percent</b> <input type="text" value="0%"/> |

  

**Matrix Notes**

Flow and dissolved oxygen values were considered to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or the environment.

  

**Adjustment**

  

**Violation Events**

|   |                                 |                          |
|---|---------------------------------|--------------------------|
| Number of Violation Events <input type="text" value="2"/> | <input type="text" value="61"/> | Number of violation days |
|---|---------------------------------|--------------------------|

  

|  |              |                                     |  |
|--|--------------|-------------------------------------|--|
| <small>mark only one with an x</small> | daily        | <input type="text"/>                |  |
|  | monthly      | <input type="text"/>                |  |
|  | quarterly    | <input checked="" type="checkbox"/> |  |
|  | semiannual   | <input type="text"/>                |  |
|  | annual       | <input type="text"/>                |  |
|  | single event | <input type="text"/>                |  |

  

Two quarterly events are recommended.

  

|  |  |
|--|--|
| <b>Economic Benefit (EB) for this violation</b>  | <b>Statutory Limit Test</b>  |
| Estimated EB Amount <input type="text" value="\$175"/>   | Violation Final Penalty Total <input type="text" value="\$3,000"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,000"/> |  |

**Economic Benefit Worksheet**

Respondent Apple Springs Independent School District

Case ID No. 35637

Reg. Ent. Reference No. RN101607851

Media Water Quality

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |         |             |             |     |     |       |       |
|--------------------------|---------|-------------|-------------|-----|-----|-------|-------|
| Equipment                |         |             |             | 0.0 | \$0 | \$0   | \$0   |
| Buildings                |         |             |             | 0.0 | \$0 | \$0   | \$0   |
| Other (as needed)        |         |             |             | 0.0 | \$0 | \$0   | \$0   |
| Engineering/construction | \$1,500 | 31-Mar-2007 | 30-Nov-2008 | 1.7 | \$8 | \$167 | \$175 |
| Land                     |         |             |             | 0.0 | \$0 | n/a   | \$0   |
| Record Keeping System    |         |             |             | 0.0 | \$0 | n/a   | \$0   |
| Training/Sampling        |         |             |             | 0.0 | \$0 | n/a   | \$0   |
| Remediation/Disposal     |         |             |             | 0.0 | \$0 | n/a   | \$0   |
| Permit Costs             |         |             |             | 0.0 | \$0 | n/a   | \$0   |
| Other (as needed)        |         |             |             | 0.0 | \$0 | n/a   | \$0   |

Notes for DELAYED costs

Estimated cost to install additional aeration equipment to improve DO concentration in the effluent. Date required is the first non-compliant month. Final date is the expected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$175

|  |   |
|--|---|
| <b>Screening Date</b> 27-Mar-2008<br><b>Respondent</b> Apple Springs Independent School District<br><b>Case ID No.</b> 35637<br><b>Reg. Ent. Reference No.</b> RN101607851<br><b>Media [Statute]</b> Water Quality<br><b>Enf. Coordinator</b> Lynley Doyen<br><b>Violation Number</b> 2<br><b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 7<br><br><b>Violation Description</b> Failed to submit a groundwater monitoring plan to the TCEQ for approval. | <b>Docket No.</b> 2008-0510-MWD-E<br><b>PCW</b><br><i>Policy Revision 2 (September 2002)</i><br><i>PCW Revision February 29, 2008</i> |
|--|---|

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

|    |                |             |          |       |                   |
|----|----------------|-------------|----------|-------|-------------------|
|    |                | <b>Harm</b> |          |       |                   |
|    |                | Major       | Moderate | Minor |                   |
| OR | <b>Release</b> |             |          |       |                   |
|    | Actual         |             |          |       |                   |
|    | Potential      |             |          |       | <b>Percent</b> 0% |

**>> Programmatic Matrix**

|  |  |                      |          |       |                    |
|--|--|----------------------|----------|-------|--------------------|
|  |  | <b>Falsification</b> |          |       |                    |
|  |  | Major                | Moderate | Minor |                    |
|  |  |                      | x        |       | <b>Percent</b> 10% |

**Matrix Notes** 100% of the permit requirement was not met.

**Adjustment** \$9,000

\$1,000

**Violation Events**

|                            |   |     |                          |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 1 | 493 | Number of violation days |
|----------------------------|---|-----|--------------------------|

|                            |  |              |   |  |  |
|----------------------------|--|--------------|---|--|--|
|                            |  | <b>daily</b> |   |  |  |
| mark only one<br>with an x |  | monthly      |   |  |  |
|                            |  | quarterly    |   |  |  |
|                            |  | semiannual   |   |  |  |
|                            |  | annual       |   |  |  |
|                            |  | single event | x |  |  |

One single event is recommended based on documentation of the violation during the March 3, 2008 investigation.

**Violation Base Penalty** \$1,000

|  |                               |
|--|-------------------------------|
| <b>Economic Benefit (EB) for this violation</b>                            | <b>Statutory Limit Test</b>   |
| Estimated EB Amount  | Violation Final Penalty Total |
| \$68   | \$1,500                       |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,500 |                               |

**Economic Benefit Worksheet**

Respondent Apple Springs Independent School District

Case ID No. 35637

Reg. Ent. Reference No. RN101607851

Media Water Quality

Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |       |             |             |     |     |      |      |
|--------------------------|-------|-------------|-------------|-----|-----|------|------|
| Equipment                |       |             |             | 0.0 | \$0 | \$0  | \$0  |
| Buildings                |       |             |             | 0.0 | \$0 | \$0  | \$0  |
| Other (as needed)        |       |             |             | 0.0 | \$0 | \$0  | \$0  |
| Engineering/construction | \$500 | 20-Nov-2006 | 31-Oct-2008 | 1.9 | \$3 | \$65 | \$68 |
| Land                     |       |             |             | 0.0 | \$0 | n/a  | \$0  |
| Record Keeping System    |       |             |             | 0.0 | \$0 | n/a  | \$0  |
| Training/Sampling        |       |             |             | 0.0 | \$0 | n/a  | \$0  |
| Remediation/Disposal     |       |             |             | 0.0 | \$0 | n/a  | \$0  |
| Permit Costs             |       |             |             | 0.0 | \$0 | n/a  | \$0  |
| Other (as needed)        |       |             |             | 0.0 | \$0 | n/a  | \$0  |

Notes for DELAYED costs

Estimated cost to prepare and submit the groundwater monitoring plan. Date required is the date the plan was due. Final date is the expected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$68

# Compliance History

|   |   |                            |   |   |
|---|---|----------------------------|---|---|
| Customer/Respondent/Owner-Operator:   | CN600861579   | Apple Springs ISD          | Classification: AVERAGE                   | Rating: 0.96  |
| Regulated Entity:   | RN101607851   | APPLE SPRINGS ISD          | Classification: AVERAGE                   | Site Rating: 0.96                                   |
| ID Number(s):   | WASTEWATER<br>WASTEWATER<br>WASTEWATER  | PERMIT<br>PERMIT<br>PERMIT | WQ0014086001<br>TPDES0118966<br>TX0118966 |   |
| Location:   | LOCATED APPRX 1,000 FT NW OF THE INTX OF FM 357<br>& FM 2501 & N OF SH 94, TRINITY CO, TX |                            |   | Rating Date: September 01 07<br>Repeat Violator: NO |
| TCEQ Region:  | REGION 10 - BEAUMONT  |                            |   |   |
| Date Compliance History Prepared:   | March 25, 2008  |                            |   |   |
| Agency Decision Requiring Compliance History:   | Enforcement   |                            |   |   |
| Compliance Period:  | March 25, 2003 to March 25, 2008  |                            |   |   |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |   |                            |   |   |
| Name: Lynley Doyen  | Phone: 512-239-1364   |                            |   |   |

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 03/25/2003 (29142)
  - 2 04/16/2003 (234306)
  - 3 05/09/2003 (234308)
  - 4 06/10/2003 (327350)
  - 5 07/17/2003 (327351)
  - 6 08/20/2003 (327352)
  - 7 09/09/2003 (248072)
  - 8 09/15/2003 (327353)
  - 9 10/22/2003 (327354)
  - 10 11/18/2003 (327355)
  - 11 12/11/2003 (327356)
  - 12 01/16/2004 (327357)
  - 13 02/05/2004 (327347)
  - 14 03/15/2004 (327348)
  - 15 04/22/2004 (327349)
  - 16 05/13/2004 (367022)
  - 17 06/10/2004 (367023)
  - 18 07/09/2004 (367024)
  - 19 08/19/2004 (367025)
  - 20 09/16/2004 (367026)
  - 21 10/18/2004 (367027)
  - 22 11/15/2004 (390039)
  - 23 12/09/2004 (390040)
  - 24 01/14/2005 (390041)
  - 25 02/21/2005 (390037)
  - 26 03/10/2005 (390038)
  - 27 04/08/2005 (427544)
  - 28 05/19/2005 (427545)
  - 29 06/21/2005 (427546)
  - 30 07/22/2005 (447582)
  - 31 08/12/2005 (447583)
  - 32 09/16/2005 (447584)
  - 33 10/03/2005 (492546)
  - 34 11/18/2005 (492547)



35 12/15/2005 (492548)  
36 01/09/2006 (492549)  
37 02/21/2006 (492544)  
38 03/09/2006 (492545)  
39 04/24/2006 (506305)  
40 05/17/2006 (506306)  
41 06/16/2006 (506307)  
42 06/26/2006 (480532)  
43 07/14/2006 (528542)  
44 08/11/2006 (528543)  
45 09/18/2006 (528544)  
46 10/12/2006 (631447)  
47 11/20/2006 (631449)  
48 12/18/2006 (631451)  
49 01/03/2007 (535126)  
50 01/10/2007 (631453)  
51 02/12/2007 (631439)  
52 03/15/2007 (631440)  
53 04/18/2007 (631441)  
54 05/11/2007 (631442)  
55 06/20/2007 (631443)  
56 07/16/2007 (631444)  
57 09/17/2007 (631446)  
58 10/11/2007 (631445)  
59 10/11/2007 (631448)  
60 11/12/2007 (631450)  
61 12/12/2007 (631452)  
62 03/14/2008 (637735)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2003 (327351)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (327354)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (327357)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (367023)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2004 (367025)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (390039)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (427546)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/26/2006 (480532)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT OpR(2)  
Description: Failure by Apple Springs Independent School District to dispose of sludge at a properly registered site.



Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT EL&MR(6)  
Description: Failure by the Apple Springs Independent School District to discharge effluent with a Dissolved Oxygen (DO) of 4.0 mg/l or more.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT OT(7)  
Description: Failure by the Apple Springs Independent School District to submit a Ground Water Monitoring Plan and submit sample results for 2004 and 2005.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.15  
Rqmt Prov: PERMIT OpR(1)  
Description: Failure by the Apple Springs Independent School District to maintain the wetland treatment system.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
Rqmt Prov: PERMIT M&RR(7)(c)  
Description: Failure by Apple Springs Independent School District to notify the TCEQ Region 10 Office of a noncompliance greater than 40% of the permit limitation. B17

Date: 03/31/2007 (631441)

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (631452)

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
APPLE SPRINGS INDEPENDENT  
SCHOOL DISTRICT  
RN101607851**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0510-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ"), considered this agreement of the parties, resolving an enforcement action regarding Apple Springs Independent School District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a municipal wastewater treatment system located approximately 1,000 feet northwest of the intersection of Farm-to-Market Road 357 and Farm-to-Market Road 2501, and north of State Highway 94 in Trinity County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 19, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Four Thousand Five Hundred Dollars (\$4,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Nine Hundred Dollars (\$900) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Three Thousand Six Hundred Dollars (\$3,600) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with the permitted effluent limitation of 4.0 milligrams per liter ("mg/L") for minimum dissolved oxygen ("DO"), in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014086001, Effluent Limitations and Monitoring Requirements No. 6, as documented during a record review conducted on March 3, 2008. Specifically, the Respondent self-reported minimum DO values of 2.9 mg/L during March 2007 and 3.0 mg/L during November 2007.
2. Failed to submit a groundwater monitoring plan to the TCEQ for approval, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014086001, Other Requirements No. 7, as documented during a record review conducted on March 3, 2008.



### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Apple Springs Independent School District, Docket No. 2008-0510-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Six Hundred Dollars (\$3,600) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit a groundwater monitoring plan to:

Groundwater Protection Team  
Water Quality Division, MC 150  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, in accordance with Ordering Provision No. 3.d below;
- c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with permitted effluent limitations of TPDES Permit No. WQ0014086001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and in accordance with Ordering Provision No. 3.d below; and





- d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a and 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.



7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Sadler  
For the Executive Director

7/30/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Gregg Spivey  
Signature

6-9-08  
Date

Gregg Spivey  
Name (Printed or typed)  
Authorized Representative of  
Apple Springs Independent School District

Superintendent  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

11/11/11

11/11/11

11/11/11

11/11/11

Attachment A  
Docket Number: 2008-0510-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Apple Springs Independent School District  
**Payable Penalty Amount:** Three Thousand Six Hundred Dollars (\$3,600)  
**SEP Amount:** Three Thousand Six Hundred Dollars (\$3,600)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Angelina Beautiful Clean  
**Location of SEP:** Angelina County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to collect and properly dispose of illegally dumped waste. Eligible sites will be limited to areas where a responsible party cannot be identified and where there is no pre-existing obligation to clean up the site by the owner.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of waste which will help prevent human health concerns associated with illegally dumped waste.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.





**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Valena Spradley  
Chairman of the Board  
Angelina Beautiful Clean  
1615 South Chestnut  
Lufkin, Texas 75901

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

